IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 5526(S/S) 2001
(Old no. 9982 of 1996)

Km. Neeta Byas D/o late B.D. Byas,
Lecturer in History,
Mohan Lal Sah Balika Inter College,
Nainital. ……Petitioner.

Versus

1. State of Uttar Pradesh,
2. Director of Education, U.P., Allahabad,
3. Dy. Director of Education, Kumoun Region, Nainital,
4. District Inspector of Schools, Nainital,
5. Committee of Management,
   Mohan Lal Sah Balika Inter College, Nainital,
   Through its Manager,
6. U.P. Secondary Education Service Commission,
   Allahabad.
7. Smt. Neelam Bhushan C/o Sri Vashishtha,
   (Teacher) R/o village-Gangapur,
   P.O. Suremanpur, District Ballia. ……Respondents.

Sri M.C. Pant, learned counsel for the petitioner.
Learned Standing Counsel for State of Uttarakhand/respondent nos. 3 & 4.
Sri Rakesh Thapaliyal, learned counsel for the respondent no. 7,

Hon'ble M.M. Ghildiyal, J.

Heard Sri N.K. Papnoi, Adv. holding brief of Sri M.C. Pant, learned counsel for the petitioner, Learned Standing Counsel for State of Uttarakhand/respondent nos. 3 & 4 and Sri Rakesh Thapaliyal, learned counsel for the respondent no. 7.

By means of this writ petition, the petitioner has challenged the order dated 16th January 1996 by which the respondent no. 7 was appointed by the U.P. Madhyamik Shiksha Seva Ayog, Allahabad as Lecturer (History). Learned

counsel for respondent no. 7 has submitted that respondent no. 7 has been appointed Lecturer (History) at Indian Girls Inter College, Allahabad since 1996. The respondent no. 7 has also filed her appointment letter issued on 07.03.1996 appointing her a Lecturer (History).

Since the petitioner has challenged appointment of respondent no. 7 in the Mohan Lal Shah Balika Inter College, Nainital, from perusal of the counter affidavit filed by respondent no. 7, it is apparent that the respondent no. 7 has been appointed at Allahabad and she is working there. In view of the aforesaid averments made in the counter affidavit, the writ petition has become infructuous.

Accordingly, the writ petition is dismissed being infructuous.

(M.M. Ghildiyal, J.)

March 22, 2007
NCM: